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May 1, 2006

BY FACSIMILE AND REGULAR MAIL

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Edward F. Haber, Esq.
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53 State Street
Boston, MA 02109

Re: Biopure Securities Litigation, C.A. No. 03-12628-NG

Dear Ed:

I am writing to respond to your letter dated April 29, 2006. First, we object to your failure to adhere to the Local Rules regarding obligations of counsel to confer. It is not appropriate to date a letter addressing a discovery dispute on Saturday, April 29, 2006 and simultaneously file it with the Court with the intent of it effectively serving as a motion to compel.

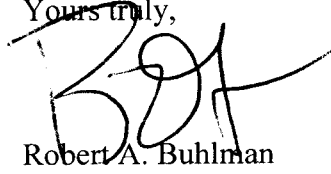
Second, the substance of your letter is erroneous. Plaintiffs did not request the documents produced by the Securities and Exchange Commission to the defendants in their original motion. Thus, your argument about "waiver" is misguided. There was no opportunity for defendants even to raise it in their opposition, when you did not seek the documents in your motion. Furthermore, defendants did timely assert the work production protection at the moment of the production.

On the substance, the work product doctrine does apply. See *Colonial Gas Co. v. Aetna Casualty & Surety Co.*, 139 F.R.D. 269, 274 (D. Mass. 1991) (providing that the pertinent test for work product is "whether in light of the nature of the documents and the factual situation in the particular case the document can fairly be said to have been prepared *or obtained* because of the prospect of litigation."). We are of course willing to participate in a pre-motion conference, as required by Local Rules 7.1(A)(2), 26.2(C), and 37.1(A), to discuss our position on the issues raised in your letter.

Edward F. Haber, Esq.
May 1, 2006
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Best regards.

Yours truly,

A handwritten signature in black ink, appearing to read 'RAB', with a long horizontal stroke extending to the right.

Robert A. Buhlman

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RAB/pmd